F
138
.K59

Fred Kirkpatrick.

MEMORIALS

OF

ANDREW KIRKPATRICK,

AND HIS WIFE

JANE BAYARD.

BY

JAMES GRANT WILSON.

Those who do not treasure up the memory of their ancestors do not deserve to be remembered by posterity.—EDMUND BURKE.

OF

PRIVATELY PRINTED FOR MRS. DR. HOW.
NEW YORK: 1870.

F138
.K59

THE LIFE AND CHARACTER

OF

ANDREW KIRKPATRICK,

CHIEF JUSTICE OF THE STATE OF NEW JERSEY.

A portion of the following sketch of the life and character of Chief-Justice Kirkpatrick was read before the New-Jersey Historical Society, May 19, 1870. It is now given to the press, together with a brief biography of his wife, Jane Bayard, and a list of their descendants, to be printed, not published, by request of their only surviving child, Mrs. Mary Kirkpatrick How. The portrait of the Chief Justice is copied from an original painting by Waldo.

J. G. W.

Fifteen Kirkpatrick Place,
East Seventy-fourth Street, New York,
September, 1870.

Andrew Kirkpatrick, a jurist and judge, of New Jersey, whose name will always be conspicuous in the annals of his native State, was descended from Scottish ancestors, who, notwithstanding the fact that they were strict Presbyterians, were, nevertheless, actively engaged, under the Earl of Mar, in the rebellion of 1715, in favor of Prince Francis Edward, the Elder Pretender to the throne of Great Britain. They afterward availed themselves of the clemency of the government, which was satisfied with exacting no higher penalty at that time than expatriation, a penalty, however, felt perhaps more keenly by the Scotch, with their never-dying love for their native land, than it would have been by the people of other countries. The grandfather of Judge Kirkpatrick, accompanied

by his family, turned his back sorrowfully upon bonny Scotland, singing, as he departed, Allan Ramsay's sad farewell song of—

> "Lochaber no more, Lochaber no more,
> We'll maybe return to Lochaber no more;"

and migrated to Belfast, Ireland, where they remained for a few years, and then, in the spring of 1736, sailed for America. After a stormy voyage of thirteen weeks, the vessel reached New Castle, Delaware, the passengers and crew being almost starved, by reason of the unexpected length of the passage. David, the son of Alexander, who was then twelve years of age, speaking of this to a grandson in after-years, said: "The first thing I ate after we got on shore was corn, in the state which we call roasting-ears, and without roasting or boiling I ate it till the milk of the corn ran down both sides of my mouth, and I have never eaten any thing since that tasted sweeter."

The Kirkpatricks crossed the Delaware at Philadelphia, and wandered up through the State of New Jersey, which was partially settled, till they reached Bound Brook, and from there they went over the mountain. Coming to a spring of water, at what has since been called "Mine Brook," they halted, built a log-house, and began the business of farming. The spot

was well chosen, about two miles west of the present site of Basking Ridge, in Somerset County. It embraced the southern slope of Round Mountain, in a well-wooded region, with unfailing springs of pure water; rich meadow-land, through which Mine Brook ran, with a sufficient fall of water for a mill-seat; and, with these material advantages, a most charming and picturesque view of the adjacent country. The material advantages and lovely prospects, however, had less influence with the decision of Alexander Kirkpatrick to settle where he did, than the circumstance of its proximity to a minister who preached the Word of Truth to his perfect satisfaction. He thought less of his daily food than he did of good preaching and exposition of the Scripture, as set forth by the Rev. Mr. Lamb, in the old log-church erected by a small band of Scotch Presbyterians, who settled at Basking Ridge early in the eighteenth century. Alexander Kirkpatrick died in 1758, having lived under seven different reigns of Great Britain (Charles II.; James II.; William and Mary; William; Anne; George I.; and George II.). The spring of water is still there, marking the site of the original log-house, and, until within a few years, could be seen the remains of apple-trees, planted by Alexander Kirkpatrick and his three sons. This improvement many

of the early proprietary leases required. In a lease of one hundred and thirty-seven acres (which was but a minor portion of what the family eventually obtained by title in fee simple), granted November 23, 1747, to Alexander Kirkpatrick, he agrees "to plant an orchard of at least one apple-tree for every three acres, and in case this lease shall continue beyond three years, then (to) plant one apple-tree for every six acres, all regular in an orchard, and to keep up the number planted, and to keep the orchard in good fence."

David, the second son of Alexander, was born in Dumfriesshire, February 17, 1724, and married Mary McEwen, a native of Argyleshire, who, with her family, crossed the Atlantic in the ship in which the Kirkpatricks took passage. One of her descendants, still living, remembers seeing her a few weeks before her death, which took place at Mine Brook, November 2, 1795, and also remembers how tenderly David, during his annual visits to her father, the chief justice, would take her on his knee and say, in his broad Scotch, "My pretty Mary, my pretty Mary, may you but fill your station in life as well as your grandmother, for whom you were named, did hers;" and would sing to her and her sisters Francis Sempill's sweet Scottish song of "Maggie Lauder."

Her husband's elder brother, Andrew, inherited the homestead, but, soon after the death of their father, sold it to David, and removed to what was then called "The Red Stone Country;" in other words, to Western Pennsylvania, where his descendants still reside. David was a rigid Presbyterian, of the John Knox school, and described by those who knew him as strongly resembling another David—the David Deans of Scott's "Heart of Mid-Lothian." Plain and simple in his habits, of strict integrity and sterling common-sense, he was a man of great energy and self-reliance. We have an exponent of what he was in the fine, substantial stone-house, which he built at Mine Brook one hundred and five years ago, with its thick, firm walls, laid in mortar almost as hard now as the gray sandstone itself, and with floors made of white-oak inch-plank, laid double. The old stone-work and the old painting look nearly as fresh as on the addition recently built by the present occupant. With proper care, the house might be made to last many centuries. On a stone over the front door (but now concealed by a new portico) are chiselled "D. M. K., 1765," the three initial letters standing for David and Mary Kirkpatrick.

The father of Judge Kirkpatrick lived to attain his ninety-first year; educated, with a view to his entering

the ministry, one son at the College of New Jersey; knew of at least six grandsons who were liberally educated, and at his death, in 1814, left a numerous posterity to bless his memory. Although he lived two miles from the church at Basking Ridge, he preferred always to walk, while the family rode; and when a member of the Legislature, although he would commence the journey on horseback, he soon dismounted, and, leading his horse, walked the remainder of the way to Trenton. In his last will, executed thirteen years before his death, he says: "I, David Kirkpatrick, having arrived at a good old age, and being desirous of arranging and settling my worldly affairs, and directing how the property wherewith it hath pleased God to reward my labors should be disposed of after my death," etc., and concludes: "And now having disposed of all my worldly concerns, I humbly commit my immortal soul to God my Heavenly Father, in an humble hope that through the intercession of Jesus Christ, my Saviour and Redeemer, I shall be raised again at the last day in glory everlasting."[1] Both as to the great concerns of eternity, and the things of time, he seems to have acted in the spirit of the short and comprehensive motto of the Kirkpat-

[1] The Kirkpatrick Memorial. Philadelphia, 1867.

ricks, so well adapted to every situation and condition of life, "*I mak sicker*"—I make sure. He was buried in a coffin made from the wood of a walnut-tree planted by him in boyhood, and which he caused to be cut down a few years before his death, and kept for that purpose. Several tables were also made from it, which are still in the possession of his descendants, and on one of which this brief memorial was written.

Andrew, the third son of David Kirkpatrick and Mary McEwen, was born at Mine Brook, February 17, 1756, and spent his boyhood in the stone-house already described. He received the best education the times afforded, graduating at the College of New Jersey, at Princeton (an institution which has sent forth many illustrious men, including his friends and contemporaries, James Madison, Richard Stockton, and John Henry Hobart), in 1775, while the celebrated Dr. Witherspoon, one of the signers of the Declaration of Independence, was its president. There were in those early days no railroads, nor steamboats, nor even stage-coaches, to carry young men to college; and young Kirkpatrick, like the majority of the students, walked to and fro, between Mine Brook and Princeton, carrying his home-made and home-spun clothing in a small knapsack. The early college records are not in existence, having been destroyed by fire, but

we cannot doubt that Andrew Kirkpatrick graduated with honor, if not, indeed, with distinction. His only surviving child has no recollection of his having ever in the family circle referred to his college standing, and the only allusions to his college-days that I have seen are contained in Prof. Geyer's History of the Cliosophic Society. He says: "Andrew Kirkpatrick, of the class of 1775, a student in the office of William Patterson, and Associate Justice of the Supreme Court of New Jersey, then Chief Justice for twenty-one years, the *beau-idéal* of a minister of justice, whose name will always be conspicuous in the juridical annals of his State, in 1825 gives this testimony: 'Few things could give me greater gratification than to be present with you, and to see the Society in a flourishing condition after the lapse of fifty years from the time I left it. The recollection of the happy hours I have spent in the Cliosophic Hall, and of the early friendships there formed, the recollection too of the first spring it gave to my feeble powers in the pursuit of literature and science, and of the prospects it opened—the hopes it inspired for future life—are, indeed, *like the memory of joys that are past, soothing and melancholy to the soul.*

"'When I look over the catalogue, I find that the members of that day are almost all consigned to the

silent tomb. The friendships then formed, however, though swallowed up in death, are not extinct, but sealed for immortality. They soon went forth upon the stage of life, played their several parts—a few of them badly, most of them well, and some with great applause—and then passed away, and are gone forever.

"'In this retrospect—and it is a retrospect which I often delight to take—I have traced the paths my friends have trodden, and if I have attained to any one truth, it is this: *that classical learning is the road to preëminence and distinction in all the liberal pursuits of life.*'"

Returning to his birthplace after receiving his degree of Bachelor of Arts, in 1775, and having been educated with a special view to the ministry of the Scotch Presbyterian Church (his father designing him for the clerical profession), he commenced theological studies with the Rev. Samuel Kennedy, a celebrated Scotch divine, settled at Basking Ridge. Six months' study satisfied him that the ministry was not agreeable to his taste, and he determined to relinquish it for the law. Young Kirkpatrick exhibited on this critical occasion an evidence of that determined spirit which was destined to carry him through more than ordinary difficulties, to the highest professional eminence. He

was informed that the step he contemplated could only be taken at the expense of his father's favor, and of the pecuniary support which had been most liberally extended to him. His resolution, however, had been deliberately taken; and, notwithstanding the veneration, not unmixed with awe, with which he had always been accustomed to regard the injunction of a parent, who appears to have united a real regard for the best interests of his son with great inflexibility of opinion and sternness of character, he hesitated not, on this important occasion, which involved the destinies of his life, to forfeit even his father's countenance and protection, and to enter upon his favorite pursuit, relying for subsistence upon his own extraordinary and unaided exertions. When he thus gave a death-blow to his father's hopes, and was, in consequence, driven from the parental roof absolutely penniless, he would have been in a sad dilemma, had it not been for a kind and loving mother's bounty, who presented him with all her little hoard of ready money—but a few pieces of gold—as she, with many tears, saw him—her handsome son, and the pride of her heart—depart to carve out unaided his own career in the world.

The usual resource of young men in such circumstances presented itself to Andrew Kirkpatrick, then in his twenty-first year, and he became a tutor in the

Taliaferro family of Virginia; subsequently residing for a year as a tutor in a gentleman's household at Esopus, Ulster County, New York. From there he proceeded to New Brunswick (the oldest town in the State), and obtained the position of classical instructor in the Rutgers College Grammar-school. While thus occupied, as well as during the time he acted as a tutor, he pursued with diligence in his leisure hours the study of the law, and soon after abandoned the school and school-teaching to enter the office of William Patterson, one of the first lawyers of his day. It was of this gentleman that Moses Guest, New Brunswick's earliest poet, and a friend of the subject of this paper, wrote July 4, 1791, on seeing the Governor in his barge, which was elegantly decorated with laurel and a variety of the most beautiful flowers, and rowed by twelve men, all dressed in white:

"On Raritan's smooth, gliding stream we view,
With pleasure view, the man whom we admire,
On this auspicious day, with laurel crowned.
How gracefully the honored barge moves on!
See Neptune's sons, all clad in white,
Timing their oars to the melodious flutes.
——— Not Cleopatra's celebrated barge,
When she, full armed with each bewitching charm,
A tyrant bound in the soft chains of love,
More elegant or pleasing could appear;

Nor did contain a jewel of such worth.
Not freighted with a proud, intriguing queen—
She nobly bears New Jersey's favorite son,
Our guardian chief, our friend, a PATTERSON."

Completing his legal studies in the office of Judge Patterson, Andrew Kirkpatrick was admitted to the bar in 1785, where talents of a high order, aided by the energy of his character, and the most persevering industry, soon obtained for him a lucrative practice at Morristown, to which place he removed from New Brunswick. While practising his profession in Morristown, and residing with his sister, Mrs. Este, the young lawyer sustained a heavy loss in the destruction by fire, in the autumn of 1787, of all his law-books. They were not many, but their loss was a grievous one to him with his then limited means. Returning to New Brunswick, he was successful in obtaining a considerable practice, and was soon enabled to replace the volumes which had been destroyed.

Andrew Kirkpatrick's remarkable success in gaining business was in good part the result of his untiring industry. He was well aware that there are no royal roads to learning, and he practised the brave and noble exhortation which he often preached in later life to his sons, and numerous young friends, "Whatsoever thy hand findeth to do, *do it with all thy might.*" Another

favorite maxim with him was, that "whatever is worth doing *at all*, is worth doing *well*."

The estimation in which the successful young lawyer was held by his fellow-citizens was shown by his being elected a member of the House of Assembly in 1797. He sat with that body during the first session, but, on the 17th of January, he resigned his seat, having accepted the position of a judge of the Supreme Court; six years later he was advanced to the office of Chief Justice of the State, as successor to the Hon. James Kinsey. He was twice reëlected, holding the high and honorable position for twenty-one years. "He was the *beau-idéal*," said Aaron Ogden Dayton, in an address delivered in 1839, "of a minister of justice. No powdered wig or ermined robe was required to excite reverence for the bench on which he presided. His snow-white hair, his clear, florid complexion, his dark, lustrous eye, his strong but delicately-chiselled features, the expression of gravity and firmness, blended with a placid sweetness, in his countenance, his imposing form, and the easy, graceful dignity with which he discharged his judicial duties, arrested the attention of the most ignorant and thoughtless, and inspired the beholder with a respect approaching to awe. His enunciation was slow and distinct; his voice full and musical; and his opinions, when not pre-

viously prepared, were delivered with fluency and clearness; when written, the language in which they were clothed was marked by great purity and precision. But it was not only in these external qualities of a judge, important as they are, that he excelled. He was a learned, and, in regard to real estate, a profoundly learned lawyer. It is said by the late Charles Butler, one of the most eminent jurists of his day, that he is the best lawyer, and will succeed best in his profession, who best understands Coke upon Lyttleton. Few members of the profession have studied those great writers more diligently, or comprehended their works more thoroughly, than the late chief justice of whom I am speaking; and, upon many of the difficult questions respecting title to land which came before him for adjudication in the course of his long official career, his opinions exhibit a depth of research, a familiarity with leading principles, a clearness of comprehension, a power of discrimination, and a justness of reasoning, which upon such questions secured him the particular confidence of the bar, and entitled him to rank among the first American jurists. His mind was not rapid, but it was uncommonly exact, and the want of quickness was carefully supplied by unwearying application to the object of research. His frequent reelection to the bench by the representatives of the peo-

ple of the State, unaffected by the mutations of party, sets the seal of public opinion to his impartial administration of justice, the general integrity of his character, and the ability with which his duties were performed."

Andrew Kirkpatrick's fame as a judge, the character of his mind, his powers of reasoning, his legal acumen, and varied and extensive attainments, can best be gathered from an examination of his learned and elaborate opinions contained in Pennington's, Southard's, and the first three volumes of Halstead's "Reports of the Supreme Court of New Jersey." Many of his judicial opinions, such as the decision made in the case of Arnold against Mundy, are among the most important ever made in the State.

The contemporaries of the chief justice have of course all passed away, and there are comparatively few now living who have any personal recollections of him as an associate judge, or even as the presiding judge of the Supreme Court. His nephew, the Hon. D. K. Este, of Cincinnati, and son-in-law of President Harrison, writes to me: "From my boyhood all my recollections of the chief justice are most respectful, favorable, and affectionate. On my way to and from Princeton College, I was always kindly received and entertained, and had the great benefit of his friendly

advice. In the early part of May, in the year 1809, a few days before I left my father's house for the West, I called to bid my uncle good-by. When I stated to him that I intended to practise law in Ohio, he said if I had determined to go he would give me letters of introduction, and he did, saying when he handed them to me: 'As a young lawyer going to a new country, when you commence the practice of the law, be the first man in the court-room, and the last to leave it, and never accept of an office until you are able to live without it.' "

Chancellor Halstead, in writing to me, says: " Judge Kirkpatrick was chief justice when I and five others were examined for license, in 1814, before him and the other judges of the Supreme Court and the bar. I well remember, that after announcing our admission, the chief justice made a few remarks to us in which he impressed the necessity of continued study, and said in substance that, if we would set apart three hours a day to reading law for three years, we would make lawyers. I saw him often afterward on the bench of the Supreme Court at Trenton, and of the Circuit Court at Newark. I have argued before him in both courts. I have often sat at the dinner-table of the bench and bar at Newark with him; but I was too young to be very near him while there were many old and distin-

guished counsel at the table. I only knew Andrew Kirkpatrick as chief justice, not in social life, but as one holding a position so far above me as to be beyond even my ambition. His personal appearance, the majesty of his countenance, and the dignity with which he presided on the bench, were so striking, that to this day the impression made on my mind remains that he was the most splendid judicial representative of the *jus bonumque* of Sallust that I have ever seen."

Another ex-Chancellor of New Jersey, the Hon. Henry W. Green, writes: "The bar of the present day know very little of the life of Chief-Justice Kirkpatrick, one of the most eminent of our judicial officers. Traditions, indeed, are rife among the profession, of his great common-law learning, of his judicial dignity, of his commanding appearance, and manly beauty, of his caustic severity, of the extent and accuracy of his common-law learning, of his contempt for pretension and ignorance, but here our information ends."

A venerable citizen of Newark, who so well represented our country at the court of Sardinia, the Hon. William B. Kinney, writes to me from Florida: "My personal recollections of the chief justice are those of a boy law-student, who was deeply impressed by his manly beauty and grace, his imposing bearing on the bench, and his fine Grecian head and bust, among the

finest I have seen among living men. I was too young to appreciate his higher qualities as a civilian."

Judge L. Q. C. Elmer, one of the oldest members of the bar of New Jersey, in practice for many years while the chief justice was on the bench, informs me that he was "the best-looking and fairest presiding officer that he ever saw in a court, and that the judge told him that he had never known what it was to be sick, not even to have a toothache. It was the custom then," adds Judge Elmer, "for the judges going the circuits to be entertained by some member of the bar, or other person, their salaries being small. On two occasions the chief justice took up his quarters with me at Bridgeton. At the time of his first visit, in June, 1821, eight or ten judges and justices dined together at the public-house. It had happened, a few days previous, that a suit had been tried before a hard-mouthed justice, present at the table; when the lawyers engaged in the case got angry, the justice tried to stop them in vain; at last he cried out, 'Stop! I give judgment for the plaintiff, and may you all go to hell together!' This story was told to Chief-Justice Kirkpatrick at the table. After listening to its recital, he turned round very gravely to the justice who sat near him, and said, in his dignified manner: 'My dear sir, however correct the first part of your judgment was, I think, in compassion to

the parties and lawyers, we shall have to reverse the concluding clause.' "

Another story, which was a favorite with the judge, was of a certain justice of the peace in one of the western border settlements of New Jersey, whose knowledge of the law being of an exceedingly limited character, when a puzzling case came before him, had, as a *dernier ressort*, a habit of advising the parties to fight it out with their fists—the first one who cried "Hold, enough!" in the knock-down argument, to pay the costs. This mode of dispensing justice, however, did not meet the approbation of the authorities, and the justice was ultimately deprived of his commission.

I may in this connection relate another incident. On one occasion the judge, who prided himself on his punctuality, was delayed by his horse throwing a shoe, and was compelled, by the time lost in having it replaced, to drive fast in order to arrive at his destination at the hour appointed for the court to open. Overtaking another vehicle containing two persons going slowly in the same direction, he courteously requested them to permit him to pass, as he was in haste, but, when he attempted to go by they obstructed the way, and, with a dog-in-the-manger spirit, would neither hasten on themselves nor permit the judge to do so; the result was that he arrived half an hour late. After

the court had been duly opened, the judge, describing to the sheriff the men who had impeded his progress on the highway, directed him to cause their arrest. The culprits were soon found and brought before the court, when for the first they recognized with fear and trembling the chief justice, who administered a severe rebuke and imposed a heavy fine upon them for impeding his path, and thereby delaying the opening of court and the administration of justice.

Chief-Justice Kirkpatrick, who was a firm believer in capital punishment, and the whipping-post, and had little faith in the efficacy of confining criminals in State prisons from which they might be pardoned, used to remark that "there were but three ways of punishing —by the *neck*, *back*, and *pocket*;" and, in passing judgment on a criminal, would often say, "*And this is the wages of sin.*"

Andrew Kirkpatrick was superseded as chief justice by the Legislature appointing a successor in 1824. It was done so secretly that neither the judge nor his troops of friends and admirers had the slightest suspicion of such a proceeding until the act was consummated. Had they known aught of the movement, his friends were so numerous, so respectable, and so powerful, including prominent men of both parties, that they would doubtless have been successful in preventing it.

The judge, who was still in the enjoyment of a vigorous manhood, if not, indeed, actually in the prime of life, and against whom there had never been a breath of reproach, felt deeply hurt at his uncalled-for removal, as well as the secret manner in which it had been effected, through the influence of a number of young and unscrupulous members of the bar.

Having now briefly followed the official career of Andrew Kirkpatrick to its close, I will retrace my steps for the purpose of making a few allusions to his home life and habits, and giving some extracts from his private correspondence.

In the year 1792 he married Jane Bayard, the beautiful daughter of Colonel John Bayard, of Revolutionary memory, Speaker of the Pennsylvania Legislature, and in 1785 a member of the old Congress which met in New York; who removed from Philadelphia to New Brunswick four years previous to his daughter's marriage. The people there showed their appreciation of Colonel Bayard by elevating him to the several offices of mayor of the city, judge of the Court of Common Pleas, and ruling elder of the Presbyterian Church. His portrait now hangs by the side of his distinguished son-in-law, in the picture-gallery of Princeton College. Andrew Kirkpatrick and Jane Bayard were at the time of their marriage called the

handsomest couple in New Brunswick, which we can readily believe in looking at their portraits, taken in middle life, and also when they had fallen into "the sere and yellow leaf."

The portraits of Colonel Bayard, Judge Kirkpatrick, and others of their rank, mark the broad distinctions that existed in society at the beginning of the present century, when the gentry and officials of the land appeared in velvet coats with gold lace, embroidered vests, knee-breeches, buckled shoes, and powdered hair, and when no one below their degree assumed their dress. Democracy had not then thrown down the barrier which existed between the garb of a gentleman and that of his tailor or servant. Much of the stateliness of colonial days remained, and the community looked up to judges and other public men with a degree of reverence approaching to awe, which of course cannot be felt for the miscreants of the present day who have succeeded them, and occupy their honored places on the bench and elsewhere.

As bearing on their early married life, the following brief note may be read with interest; and, for the information of those unfamiliar with the old-time practice, I may state that, if a young married couple could, at the expiration of twelve months from their marriage-day, testify that at no time during the year had either

wished himself or herself unmarried, they were entitled to receive from the bride's father a "a flitch of bacon:"

"My dear Jane:

"As you intend keeping to-morrow as the anniversary of your marriage, we ought to have held a court to have examined both you and Mr. Kirkpatrick, whether you are entitled to receive the flitch of bacon. As I presume you might pass trial, I have sent you a ham (not having a flitch) and a tongue, which please to accept from

"Your affectionate father,

"John Bayard."

Like many other distinguished lawyers, such as Lord Thurlow, Sir William Jones, and Blackstone, Andrew Kirkpatrick appears in early life, both before and after his marriage, to have been addicted to poetry. In 1791, after reading Beattie's "Minstrel," he wrote:

"Thus little Edwin, melancholy wight,
To rocks, and woods, and wilds, and murmuring streams,
Full oft his plaintive ditty did recite
In dreary cave. Nor dared the cheerful scenes
Of man restored, nor converse sweet; but weens
That man was made for woe. Mistaken elf!
And to appease the wrath divine, he dreams
His life away. And, in contemning pelf,
Repines at human nature, and contemns himself.

Ah! night-bewildered bard! more wise than man!
Nor with the lot to man assigned content!
Canst thou correct Eternal Wisdom's plan,
Or please by works for mortals never meant?
Or hop'st for joys to mortals never sent?
Avaunt! nor dare Heaven's wondrous works to scan,
Nor chide His goodness with thy vain complaint.
Eternal Wisdom, ere the world began,
Beheld, and saw it best that man should be but man."

Like the great lawyers alluded to, Andrew Kirkpatrick had the resolution to abandon the Muses, and to cast off "the Delilahs of the imagination," when embarked on a more profitable vocation.

On the first day of November, 1803, the chief justice writes, in a family diary kept by the female members of his household: "This is the anniversary of our marriage, and closes the eleventh year. As usual, we had the pleasure of the company of several of our friends. Besides those in town, we had Dr. and Mrs. Rodgers, of New York, and Dr. and Mrs. Tennant. How small is the probability we shall ever again meet together in this world!"

In the year following he writes to Mrs. Kirkpatrick, then on a visit to friends in Washington: ""I am happy to hear that you got through your journey so comfortably and without any accident. As to the fatigue, that, I hope, will be amply compensated by

the pleasure of seeing your friends and all the great people of Washington; for, however you might think of them in a different situation, now that they are the rulers of the nation, their acquaintance will be interesting. Names, in spite of all our philosophy, will have a powerful effect on the mind. Mrs. Madison, the wife of the Secretary of State, is quite a different being from Dolly Paine in her mother's boarding-house, or Dolly Todd, the wife of an obscure Scotch attorney, in one of the alleys of Philadelphia. I do not, however, in the least, wish to detract from her worth because she has risen from low estate. I have a thousand reasons to prevent me from doing this, and especially the instruction of the wise man, who says that kings walk on foot, while beggars ride on horses. Indeed, it requires but little observation to see that the greatest worth frequently dwells in obscurity. . . I thank you for your kind wishes that I should participate in the pleasure of your new acquaintances. I, however, have no wish on the occasion, having learned long ago that great men are great at a distance only, and that, when you approach them, they generally dwindle down into common size. The President himself, indeed, I confess I have a great desire to see, for, although it is now fashionable to detract from the real merit of men high in office, who do not go just as we would have them,

and although I think he is greatly to be censured for many things which he has done, both in acquiring and managing the presidency, yet he has always appeared, and still does appear to me, to be a man of distinguished talents, and I have no doubt an honest zeal for the public good. And though he should suppose that this good can be best promoted by having the Administration in his own hands, and should be guilty of some aberrations from right to preserve and maintain the Administration, yet in this how does he differ from those who oppose him? I believe not much."

In another paragraph of the same letter, he gives a picture of the primitive mode of travel between New York and New Brunswick sixty-six years ago: "I have called to congratulate Mr. Scott[1] on his marriage. The family chartered a sloop last week for New York, and on Friday returned with the bride and bridegroom, to the no small joy of all concerned. I saw the bride in church yesterday, but, as she was veiled, I could not discern her countenance."

A week later he writes to his wife, saying: "On Friday I was asked to dine with Mr. and Mrs. Van Rensselaer, of Albany, at Mr. Smith's. We had a

[1] Colonel Warren Scott, of New Brunswick, one of two survivors of the Princeton College class of 1795; the other being Judge Elbert Herring, of New-York City.

pleasant party. Mr. and Mrs. Garnet, Mr. Lewis, Mr. and Mrs. Stone, and, what added most to the satisfaction of all, just as we were sitting down to dinner, Judge Patterson came in. He looks much better than when he left Brunswick. Yesterday I dined at Judge Patterson's. They had no other company except the Van Rensselaers and your brother John. Mr. McCormick and Mr. Cooper, of New York, came in and took a snack of the fragments. They all drank tea with us, and, wonderful to relate, so did Mrs. White and Miss Ellis. Mr. and Mrs. Boggs were also of the party. So you see, at home or abroad, we still go on eating and drinking, visiting and being visited, for this is the course of the world. . . .

"I have been considerably engaged during the last week in court, and, although I do not frequently trouble you with my judicial concerns, a circumstance has occurred which I cannot forbear to mention, because one of our friends is most concerned in it. The famous John Smith went before the grand jury, and entered a complaint, on oath, against Mr. Boggs,[1] for stealing an umbrella. Hah! Mr. Boggs, charged with stealing! Well, the grand jury, not easily gulled by the oath of such a fellow, carefully investigated the case, examined a number of witnesses who were present at the

[1] Robert Boggs, father of Rear-Admiral Boggs, U. S. N.

transaction complained of, and, after full deliberation, by unanimous vote, indicted the accuser himself of perjury, who, for want of bail, is now confined in the common jail, on that account. Surely, he that diggeth a pit shall fall into the pit which his own hands have digged. . . .

"I am totally unable to form any judgment about the most easy and safe way of returning from Washington. It seems to me that, in the heat of summer, the cabin of a boat, with all the bilge-water about it, must to you be altogether insupportable. Besides, I think it was your friend, Dr. Johnson, who said he would never go by water, when he could go by land. But of this we will have an opportunity of saying more, before you are ready to adopt either one mode or another."

Judge Kirkpatrick was a frequent visitor to New York, where he was well acquainted with the leading men of the bar and bench, by many of whom he was often strongly urged to remove to that city, as offering a better and wider field for his advancement; but he was too much attached to his native State to leave, and declined to accept any of the many inducements held forth to him to make the change from New Jersey to New York. In his journeys between New Brunswick and New York, he generally proceeded by

land in his own carriage, stopping to dine at Elizatown—noted in those days, as Irving tells us, for its fine girls and vile mosquitoes—or more often at the celebrated Newark inn, while Archy Gifford, arrayed in his famous green coat, attended personally to the wants of his distinguished friend the chief justice. Sometimes, however, the journey was made by water, occupying from thirty to forty hours. On the first day of January, 1817, he writes to Mrs. Kirkpatrick from New York: "You no doubt looked for a letter on Saturday night, but you should have remembered that those who travel by water must wait for wind and tide. Instead of seeing New York the evening of the day I left you, we floated with the tide only till about twelve o'clock, and then grounded safely on what is called the middle ground, where we lay, in a perfect calm and surrounded by a thick fog, until six o'clock the next morning. After getting *under way*, as the sailors say, we had a pleasant, gentle sail, till we got within about four miles of our destination. Then again we were taught to know that our masters—wind and tide—were against us; and we were obliged to cast anchor and lie in view of the city a considerable time. At length, just about sundown, we arrived at the dock, after a passage of thirty-two hours."

From Bridgeton, in June, 1821, the chief justice writes to his wife: "You see I am again at Bridgeton, from whence yesterday you heard from me. My jaunt to Cape May was a mere jaunt of pleasure. My friend Mr. Elmer, a gentleman of the bar, gave me a seat in his carriage, that is, in a West Jersey wagon, which has neither springs nor spring-seats; but which, in this sandy country, notwithstanding, does very well. The distance is about forty miles, and we accomplished it in a day, giving ourselves plenty of time to rest and be refreshed. Upon my arrival at the court-house, I was waited upon by Major Holmes, and invited to his house, which invitation I very cheerfully accepted, not being overpleased with the appearance of things at the tavern. This is the same gentleman at whose house I stayed when I was before in that county. He is a plain man, but is very hospitable, and has every thing neat and good. His whole family consists of himself and one daughter, and, I believe, two servants. But, though pleasantly enough situated, my stay was not long. The whole time which I spent in court, I believe, did not exceed thirty minutes; the court adjourned on the afternoon of Tuesday, the same day it met, and in the evening I went down with a new acquaintance to Cape Island, about thirteen miles. We reached that place at eight o'clock, and I retired pretty

early, with a view of rising the next morning in time to see the sun rise from the ocean; and I accordingly rose at the dawn of day, and walked down to the beach; but, unfortunately, the horizon became covered with clouds, so that I lost my anticipated pleasure, and returned very much disappointed. Mr. Elmer came down to breakfast, intending to return immediately and proceed on our way home; but as the day was very fine, the ocean to me a novel, grand, and ever-varying object, and especially as they were just preparing to commence a new kind of fishery, that is, a fishery for porpoises, which had never been taken there before, and of whose skins they expect to make leather, and of their blubber, oil, I persuaded him to stay the day, to which, having no less curiosity than myself, he readily consented. We had the pleasure of seeing their first attempt upon the porpoises, and all the ecstasy of their success. *Bony* could not have been more elated with the capture of a citadel than they with the capture of ten of these fish. We spent the day very pleasantly, returned to the court-house in the evening, and the next day, that is, on Thursday, to this place.

"General Giles, whom I met at Cape May, gave me a very friendly invitation to his house, where I have been since my return. Nobody can be more at-

tentive, more polite, and more friendly than Mrs. G. She is, indeed, an excellent woman.

"Our court here commences to-morrow; but, from all the information I can collect, will last but a day or two, soon after which I shall take my course to Salem, about eighteen miles, for which journey I have the offer of several gentlemen to accompany me and take me in their carriages; so you see I meet with great attention and respect in *foreign countries.*

"My jaunt hitherto has indeed been a very delightful one; the conveyances ready, easy, and convenient, and everybody respectful and polite in the highest degree. But, after all, I begin to wish to be home, for *hame is hame.*"

On the 31st of October, of the same year, the judge writes to Mrs. Kirkpatrick: "I send this little confidential messenger to greet you on the morning of your wedding-day. May it present to your mind, as it does to mine, remembrances sweet and soothing to the soul! Our course has not been brilliant, but it has been better: it has been calm and peaceful, and undisturbed; may its stream still continue to flow gently on, and our little bark be wafted along by the fragrant breezes till we reach our destined port—our haven of *eternal rest!*"

In November, 1822, while absent from home, holding court, the judge writes to Mrs. Kirkpatrick: "Your

letter which I received yesterday morning was indeed balm to my soul. The image of my dear Elizabeth, as she lay languishing on the sofa when I took my parting kiss, dwelt upon my mind the whole night preceding. I was not conscious of having closed my eyes in sleep, and of course felt very much exhausted and fatigued when I arose. Your intelligence revived my spirits and my strength, and I got through the day very comfortably. I have now had a good night's rest, and am this morning perfectly restored and perfectly composed, most devoutly thanking my Heavenly Father that He hath been pleased so far to check the threatening disease of our dear daughter as to leave room at least for hope. I feel very much for you, and am exceedingly sorry that I cannot be with you in this very trying crisis; but I know that you have with you another and a better Friend, who can say to the sick, 'Arise and live!' O that it may please Him thus to address her in whom our hearts are so nearly centred." The affectionate and fond father's hope was not realized. His beautiful and beloved daughter, so fair, so fragile, that she seemed fitted for other spheres than this rough world, was taken hence, and methinks I see the angels above beckoning her upward and upward, and saying—

"Sister spirit, come away!"

Judge Kirkpatrick was one of the original trustees of the Theological Seminary at Princeton, of which institution his friends Alexander and Miller were professors, and in which he always expressed the warmest interest. He is the first person named in the charter granted by the Legislature of New Jersey, November 15, 1822, and was the first president of the Board, holding that office until his death. He often said that, were he possessed of large means, there was no object to which he would give with greater pleasure than to a theological institution. He was a trustee of Princeton College from 1807 to the time of his decease, and was one of the vice-presidents of the Alumni Association, founded in 1826, James Madison being president. In 1825 there was formed at Princeton a society called "The New-Jersey Literary and Philosophical Society." Among the members were most of the prominent professional gentlemen of the State. Chief-Justice Kirkpatrick presided at the meeting at which the society was formed, and was chosen its president. The meetings of these societies and of the college trustees often called the judge to Princeton. In 1813, Daniel Webster, then a member of Congress, and at the time on a visit to Richard Stockton, dining with the late Samuel Bayard, of Princeton, who had invited him to meet his kinsman, Kirkpatrick, and Ashbel

Green, pronounced the chief justice and the college president to be two of the most remarkable men he had ever met.

Colonel William C. Alexander, a son of Judge Kirkpatrick's intimate friend, Archibald Alexander, on whom he pronounced the jocose eulogy, "Dr. Alexander is the prince of Methodist preachers," writes: "Chief-Justice Kirkpatrick had retired from the bench before I came to the bar. I had, therefore, no personal knowledge of him. I remember my boyish admiration of the grand-looking old man, as, dressed in the superb costume of the old school, he made his semi-annual visit to Princeton, to attend the meetings of the Board of Trustees. I remember the effect produced on me while a student of college in 1823 by the dignified and most impressive and imposing manner in which he inaugurated into office the Rev. Dr. Carnahan as president of the college, but I repeat that I was not honored with his personal acquaintance, and contented myself with admiring him at a distance."

Andrew Kirkpatrick had a wide circle of distinguished acquaintances, among whom were many prominent actors in the Revolutionary War. Washington, Franklin, La Fayette, Patrick Henry, Hamilton, Generals Gates, Greene, Knox, "Mad Anthony Wayne," and Lord Stirling, he knew, or had seen. With many

of the officers of his own State, such as Generals Frelinghuysen and White, who, with

"nerves of steel, and hearts of oak,"

drove back the enemy from the battle-fields of New Jersey, he was on the most intimate terms. Kosciusko was often entertained under his hospitable roof, and Elias Boudinot, one of the presidents of the Continental Congress, and first president of the American Bible Society, was his particular friend. He and his daughter, Mrs. Bradford, widow of Washington's second Attorney-General, in travelling from Philadelphia to New York, always halted at New Brunswick to visit the chief justice. His daughter, Mrs. Dr. Cogswell, thus alludes, in a private journal, to these visits: "Dr. Boudinot and Mrs. Bradford usually made 'a progress,' spring and fall, and they failed not to stop, coming and going, at our domicile. Still I hear the rumble of the old coach up the hill. I see the gouty old gentleman descend, then Madam Bradford, followed by her trunks and boxes. Then the finery she condescended to show us. Then the dinner in Mammy Sally's best style. Then the long wearing through the day of ceremony, the breakfast, the farewell; and the coach, coachman, footman, and agreeable visitors departed."

One of the less distinguished friends of the family was Mr. Hauto, an accomplished German gentleman, engaged in Pennsylvania in coal-mining, who was a frequent and favorite guest, often remaining under the judge's hospitable roof for many days. He was a member of the Philadelphia house of White, Hauto & Hazard. He spoke several languages, and told in his broken English many stories of what he had seen and heard in various portions of the globe. On one occasion the chief justice rallied him about marrying a widow lady residing on the banks of the Raritan, not far distant from New Brunswick. "Did you not go to see her," he asked, "as you came down on the other bank of the stream?" "What, judge, with de breeches down?" (bridges down). "Oh, by no means, Mr. Hauto, in that plight," said the chief justice, "by no means." The judge had another story which I will add as a pendant to the above, of his friend General Jackson, who, being accosted in company, by his tailor, who said, "Made your breeches, general," replied, mistaking his words, "Oh! Major Bridges! happy to see you, Major Bridges!"

The chief justice was a man of a singularly social turn of mind, full of anecdote, with remarkable power of narration, fond of discussion and argument, and often carrying his ingenuity to the verge of paradox.

His wit, while keen and biting at times, was never ill-natured, and only severe when directed against ignorance and pompous pretension. He had many Revolutionary anecdotes, among them one of his own and his father-in-law's friend, General Muhlenburg—an old-time incident, and one of the most thrilling anecdotes of the war. What was said of the old ballad of Chevy Chase, by Sir Philip Sidney, was true of Kirkpatrick's anecdote. It stirred up the heart-blood like the sound of a trumpet. Here is the story: When the war began, in 1776, Muhlenburg was the rector of a church in Dunmore County, Virginia. On a sunday morning he administered the communion of the Lord's Supper to his congregation, stating that in the afternoon he would preach a sermon on the duties men owe to their country. At the appointed hour, the edifice was crowded with anxious listeners. The discourse was founded upon the text from Solomon, "There is a time for every purpose and for every work." The sermon burned with patriotic ardor; every sentence and intonation exhibited the speaker's deep earnestness in what he was saying. Pausing a moment at the close of his discourse, he repeated the words of his text, and then, in tones of thunder, exclaimed, "*The time to preach is past:* THE TIME TO FIGHT HAS COME!" and, suiting the action to the words, he threw from his shoulders

the episcopal robes, and stood before his congregation arrayed in military uniform. Drumming for recruits was commenced on the spot. Muhlenburg drew from his pocket a colonel's commission from the Continental Congress, and it is said almost every man of suitable age enlisted forthwith. Nearly three hundred men were enrolled and immediately organized into the Eighth Virginia, or German regiment, of which Muhlenburg was the colonel.

After retiring from the bench, in 1824, the judge spent the few remaining years of his life in his pleasant home at New Brunswick, retired from all public employment, finding happiness in the bosom of his family, and surrounded by troops of friends. His time was in summer nearly equally divided between his library and his large garden, where he found much gratification in assisting his gardener in the care of the trees and shrubs and flowers. The house which he built, and the grounds surrounding it which he laid out, may still be seen, but little changed from what they were twoscore years ago. During the autumn and winter of 1830 he gradually grew weaker, till, before the close of the year, he was unable to leave his house. A week previous to the parting day, he said to Mrs. Dr. How, his only surviving daughter: "I am declining as gently as any one can, and I do not know that I should

wish to be resuscitated. Goodness and mercy have followed me all the days of my life, and, I will trust, to their close. I trust in the fulness of the promises for my everlasting peace. It is a solemn thing to stand on the verge of the eternal world, but I am calm in the contemplation of death, and, unless anguish seize me, so I hope to remain. There are some parts of the Gospel too mysterious for us to understand; it reveals generals, not particulars; but, such as I could understand, I have, particularly for the later years of my life, tried to make the rule of my conduct; but, when I compare myself with its purity and holiness, God knows, I feel my want of pardon. There are some doctrines entirely beyond me—that of the Trinity, the atonement, if general or limited—but I believe that God, in some way, has made an opening, through Christ, for the salvation and happiness of His creatures. Though I speak confidently as to my future peace, I pretend to no special illumination on the subject of another world or any future state, but I trust in the promises of the Gospel. Goodness and mercy have followed me, and to God be the praise! These are the grounds of my hope."

A few days later he remarked to one of his children: "I have no disease, but I am worn out, and shall soon leave you." His words were fulfilled. He died

calmly and peacefully, and surrounded by those who loved him best, in the parlor of his own house, on the 7th day of January, 1831, and was buried in the graveyard of the First Presbyterian Church, of which he was for many years a trustee, and where, for half a century, he had listened to the Word of God. His highly-gifted Christian wife sleeps in the same grave, and a daughter and three sons rest by their side, beneath the shadow of a cypress planted by the chief justice himself.

I have thus, with such ability as I possess, briefly told the story of the uneventful career of one whose

> " life was gentle, and the elements
> So mixed in him that Nature might stand up
> And say to all the world, '*This was a man!*' "

And I can most truly adopt Lord Erskine's words in closing the preface to Mr. Fox's speeches, that " I regard it as the most happy circumstance of my life to have had the opportunity of thus publicly expressing veneration for his memory."

I know not how I can more fittingly conclude this memorial of Andrew Kirkpatrick, than by quoting a passage with which Mr. Bryant closed a discourse on Washington Irving: " If it were becoming," said the poet, " at this time, and in this assembly, to address

our departed friend as if in his immediate presence, I would say, Farewell, thou who hast entered into the rest prepared, from the foundation of the world, for serene and gentle spirits like thine. Farewell! happy in thy life, happy in thy death, happier in the reward to which that death was the assured passage. The brightness of that enduring fame which thou hast won on earth is but a shadowy symbol of the glory to which thou art admitted in the world beyond the grave. Thy errand upon earth was an errand of peace and good-will to men, and thou art now in a region where hatred and strife never enter, and where the harmonious activity of those who inhabit it acknowledges no impulse less noble or less pure than that of love."

A SKETCH OF THE LIFE

OF

JANE BAYARD KIRKPATRICK,

CONSISTING CHIEFLY OF

PASSAGES FROM AN UNFINISHED AUTOBIOGRAPHY.

Among the many Protestants who were driven from France by the policy of Cardinal Richelieu, under Louis XIII., was the Rev. Balthazar Bayard. Before the revocation of the Edict of Nantes, the pious and conscientious Huguenot sacrificed his property, and, severing long-cherished ties in his native land, had exiled himself to Holland, that he might enjoy the liberty of worshipping God according to the dictates of his conscience. His standing in the society of his adopted home may be inferred from the connection in marriage which was made by his only daughter, Judith, who married Petrus Stuyvesant, the last of the Dutch Governors of New Amsterdam. One condition the pretty Huguenot imposed upon her lover, and that was, that he should persuade her three brothers to accompany

them on their projected journey to the New World. This the good-natured governor succeeded in doing. On their arrival in New Amsterdam, in 1647, James, the youngest brother, purchased a manor on the Bohemia River, Cecil County, Maryland, erecting there a fine mansion and an Episcopal chapel. Before his departure from Holland he married Blandina Condé, an accomplished Huguenot lady, who spoke several languages. Four children were born to them in their American home—a daughter and three sons—the youngest of whom, called James, resided with his mother after she became a widow, and on her death inherited the manor-house. James Bayard married Miss Ashton. They had two sons, John and James Ashton, their ages differing half an hour. These twins became objects of the most tender affection to their excellent grandmother, who strove, from the earliest dawn of reason to imbue their minds with sentiments of exalted piety. A daughter, who died in her seventeenth year, was engaged to the celebrated Rev. John Rodgers, D. D., who a few years later married her cousin, Elizabeth Bayard.

John Bayard was born August 11, 1738, in the Bohemia manor-house. His father died without a will, and, being the eldest son, he became entitled, by the laws of Maryland, to the whole real estate. Such, how-

ever, was his affection for his twin-brother, younger than himself, that, no sooner had he reached the age of manhood, than he conveyed to him one-half the estate. After receiving an academical education under Dr. Finley, he entered the counting-house of John Rhea, a merchant of Philadelphia. He early became a communicant of the Presbyterian Church under the charge of the Rev. Gilbert Tennant, and a few years after his marriage with Margaret Hodge, of Philadelphia, he was chosen a ruling elder, and filled the place with zeal and reputation. Mr. Whitefield, while on his visits to America, became intimately acquainted with Mr. Bayard, and was much attached to him. They made several tours together. In 1770 Mr. Bayard lost his only brother, Dr. James A. Bayard, a man of promising talents, of prudence and skill, of a most amiable disposition, and growing reputation. When his brother's widow died, he adopted the children, and educated them as his own. One of them was the distinguished statesman, James A. Bayard.

At the commencement of the war, Colonel Bayard took a decided part in favor of his country. At the head of the second battalion of the Philadelphia troops, he marched to the assistance of Washington, and was present at the battle of Trenton. He was a member of the Council of Safety, and was for many

years Speaker of the House of Representatives. In 1785 Colonel Bayard was appointed a member of the old Congress, then in session in New York. Three years later he removed to New Brunswick, where he was mayor of the city, judge of the Court of Common Pleas, and a ruling elder of the Church. Here he died, January 7, 1806. He frequently commended himself in his last illness to the blessed Redeemer, confident of His love, and his last words were, "Lord Jesus, receive my spirit."

Jane, the eldest daughter of Colonel Bayard, writes as follows of her father: "Though engaged in the busy and tumultuous scenes of life, he never remitted his attention to religion. Neither politics, nor the pursuit of wealth and power, nor the attractions the world presented to allure, ever turned him from the principles he embraced in youth. He could not be accused either of enthusiasm, on the one hand, nor melancholy and superstition, on the other. He possessed a cheerful and benign temperament, which softened the trials and adversities weighing on many periods of his life. His heart, naturally tender and ardent, was thus sustained in constant equanimity. The difficult eras of his life were adorned with bright and peculiar virtue. His impetuosity of temper required strong principle to subdue, and the undeviating gentleness and forbearance

that he exercised were admirable, and worthy of imitation." [1]

Jane Bayard was born in Philadelphia, July 12, 1772. In an unfinished autobiography, written but a few years before her death, she says: "If we search into the treasures of memory, how few and scanty do they appear! How faint the traces of what in reality were the most important events! The attempt I am now making to recall my early days shows how few are the passages that remain of the earlier periods of my life.

"The image of my mother is the principal object of which I have any recollection. Her countenance is indelibly fixed; but no doubt powerfully sustained by the sweet portrait, on which I have so long gazed. Some pleasant recollections of earliest days are associated with her. One I remember—and it is among my first—in riding out with her in her carriage, standing before her and looking out at the clouds. They were those vast masses of vapor rising one over the other, like mountains in the skies. They have ever since been particularly objects of my admiration, and not unfrequently stamped with the tender recollection

[1] The Light of Other Days: Sketches of the Past, and other selections from the writings of the late Mrs. Jane Kirkpatrick, edited by Mrs. Jane E. Cogswell, 1856.

of my early-lost mother. Oh, what a loss! I feel as if I should have been another creature had she been spared to me, for then I should have believed that I was truly beloved.

"In those days travelling was quite a different thing from what it now is. Our family dwelt in Philadelphia, and a jaunt to New York, at least for a lady, was a great event. At present, a journey to Cincinnati, St. Louis, or even New Orleans, is nothing to compare to it. There were few, if any, public conveyances. The roads were like what the common farm-roads now are—the hills rough and dangerous—the rivers without bridges, and the ferry-boats by no means convenient. All these obstacles made a journey a formidable undertaking. However, it was planned that my mother should visit some friends in the city, and enjoy a view of the grand scenery of the Hudson. She was entertained at the house of Mr. Nicholas Bayard, a distant relation of my father. He had a fine farm, bordering on the city. It was a large house, surrounded with a delightful garden, abounding with fruit-trees, shrubbery, and flowers. A friendship was formed with this amiable family. Mr. N. Bayard had five daughters, but no son. But time will show the result of this visit in a future union of the two families. The next

child that my mother had was called, for this good and kind friend, in remembrance of this visit, Nicholas.

"When the time of her return was fixed, a party of friends went out as far as Frankfort to welcome her back. I was carried along, no doubt much delighted, but all that I remember was the meeting of the carriages, when I was handed from the window of one through the window of the other, with a feeling of terror, over the wheel, to find rest and joy in the arms of my mother. These feelings must have been vivid to be so long retained, as no one could possibly have told me of them. I was between two and three years old.

"About this time our public affairs assumed an alarming appearance. War was approaching, with all its terrors. My father engaged in the cause of his country with all the ardor of patriotism. He was the colonel of a battalion of the city, but did not enter the United States Army. He afterward was a member of the Legislature, and was Speaker of the Assembly. This was a conspicuous station, and exposed him to the ill-will of the Tories, as well as of the British. The duties of his office drew him from home, and caused additional cares to my mother. Though a delicate woman, and placed in trying circumstances, she pos-

sessed firmness of mind, and on perilous occasions showed much energy and intrepidity.

"My father purchased a farm in what was considered a very safe part of the country. It was eighteen miles from the city, on the Schuylkill. This he designed as a retreat for his family in case the enemy should attack Philadelphia.

"The first alarm that I remember was when it was reported that the Roebuck was in the Delaware, and would soon make an attack. I recollect the commotion in the house, boxes piled up in the parlor, furniture packing, and the confusion and alarm through the house. 'The Roebuck! the Roebuck!' resounded; but what this was, I had no idea. Many of the family ran up-stairs to look out of the trap-door in the roof. I followed on, but saw nothing, neither indeed was the vessel in sight; but the idea of a man-of-war approaching so near filled all the town with consternation.

"The family was removed to Plymouth, which, from that time, became its residence for several successive years. The house was very plain, and stood on the road-side; but the views round it were pleasant, and the banks of the Schuylkill were beautiful, and became the favorite walk. There was a fine open wood, quite clear of underbrush, through which the path lay. Here the children delighted to ramble; the high banks

of the river were often resorted to for the beautiful views they afforded of the opposite side, where stood a small stone church, called the Swede's Church, and which gave the name to the ford—the Swede's Ford; afterward more known by being the passage of a part of the British army.

"Owing to the progress of the war, and Jersey being so much the seat of hostile operations, the college at Princeton was vacated. The president, Dr. Witherspoon, was in Congress, and the other officers and students were dispersed. My brother James, among the others, had to return home. He procured a horse, and took what was supposed the safest road to avoid the enemy. Unfortunately, he fell in with a party of marauders, who seized him and inquired his name. When he told them, they immediately pronounced him a rebel, and the son of a rebel; though, from his youthful appearance, it was evident he had never borne arms. But this availed nothing. They pinioned his arms and brought him to Philadelphia, and committed him to prison, where a fearful doom awaited him. As soon as the sad news was brought to Plymouth, my mother determined to go immediately to the city. My father was at Lancaster, where the Assembly was sitting, and she had no one to assist her; but her maternal love gave her energy. I do not recollect hearing through whose

influence she obtained a safe-conduct; but she hastened forward and made application to the commanding officer. For some days she suffered a most anxious suspense. She met unlooked-for kindness from a Quaker lady — Grace Hastings — which she mentioned with gratitude. It was a Christian act for a Tory to aid a Whig in those troublous times. Application was made to our commander-in-chief, and arrangements were made for the release of her beloved son, and she returned home to her interesting charge. It was a tedious space till he was actually released. His return occasioned a gleam of joy in the midst of those gloomy days. Several years afterward he pointed out to me the place where he stood: it was a gate by the road-side, waiting to hear his doom; a halter was round his neck, and the intelligence had not come whether life or death was the sentence. The messenger appeared in the distance. The moment was awful. But in a few minutes he was set at liberty, and he joyfully set off for his home.

"On another occasion, my mother was placed in very trying and agitating circumstances. My father was absent, attending to his official duties at Lancaster, where the Assembly met as a place of safety removed from the seat of war, and she had a large family to provide for. A division of the British army was moving to Philadelphia by the way of the Swede's Ford; the

road to be passed was the one on which our house stood. This alarm caused great consternation, as such a course was not expected, and no preparation was made for escape. An invitation was sent from a friend, who lived at Potts Grove, for her to bring her family there. Mr. Andrew Caldwell was the name of this kind friend, of whom I retain a grateful recollection. My mother engaged a few wagons to convey the furniture to places of safety, but could not on such short notice dispose of all the family stores. They had to be left for the plunder of the soldiery. She took her small children with her, and mournfully departed from her home, not knowing what should befall their asylum. As she went in the morning, in the evening the enemy arrived and took possession of the house which was so commodiously situated. They found much that was gratifying, and some things which proved amusing in the way of destruction. The library was a thing which could do them no good: they found many religious books, and concluded they belonged to some Presbyterian parson, and of course a rebel. They made a pile of them, and amused themselves in shooting at them in all directions, the fragments and some few volumes remaining scattered over the court-yard. Another thing excited their ire. It was the likenesses of our distinguished men. They tore them down, and to increase their fury saw behind

them with their faces turned to the wall, some of the royal family, and of course the American heroes had to share the fate of the Presbyterian divine. The wine was a great prize, and proved the means of saving the house, which was doomed to destruction. But the officer, in gratitude for this unlooked-for luxury, instead of ordering the house to be burnt, wrote a very polite note to my father, thanking him for his entertainment.

"It was reported that the house was burnt and every thing destroyed. This gave occasion to a friend, William Bell, to give evidence of his great affection and gratitude to my father. As soon as he heard this sad report, he made an offer to divide his property, and give half of all he possessed to his friend, saying, "I owe all I have to your kindness, for you took me into your employ when I had nothing." Such noble conduct is worthy of lasting remembrance. The sacrifice, happily, was not requisite. The house remained, and the losses were not so great but that they might soon be retrieved.

"A more retired residence was procured for the winter, which was rendered very agreeable by the near neighborhood of General Reed's family. There had long been a very intimate association between the two families, which continued through life. My father said, next to his brother, General Reed was his dearest

friend. The children participated in this friendly intercourse, and memory retains some of the pleasures of that early period when we played together.

"The succeeding summer, I think, the family was removed, for greater safety, to the manor-house in Maryland. There were still some of the ancient slaves remaining in their quarters as it was termed, and my father took the kindest care of them in their old age. I have some remembrance of them. The old man would still go to the tobacco-field, and, sitting on a three-legged stool, would diligently look for the worms and destroy them. He called my father by the accustomed name of Johny. 'Massa Johny, oh, I carried him many a day in my arms.' Old Sarah was his wife. All I recollect of her was a large wen on her arm, so that she could do little to help herself. But she was kindly cared for till her removal from earthly bondage.

"The succeeding winter was passed in Philadelphia. I have scarcely any recollection of that period. But in the spring we all returned to Plymouth, which was now repaired and furnished anew. My father engaged a teacher, and had a little cottage on the opposite side of the road fitted for a school-room. He admitted a few of the neighbors to enjoy this privilege with his family. It was a great matter in those days

of desolation to have such a resource. It was a subject of great delight to me to have a little friend with me, and many a pleasant ramble we had together through the woods, and down on the banks of the beautiful Schuylkill. Her father was a physician, and lived about a mile off; but, accompanied by a brother, she used to attend punctually. I had a brother also, and it was our practice to go generally half-way home with them, to a little brook which crossed the road. On a small knoll was a large hawthorn-bush, under which we often sat down to rest or amuse ourselves. The brook was so shallow that it was safely waded, or else we stepped along the rails of the fences. The boys generally preferred the first method, and we the latter. Many years after, when I revisited the scenes, all the features of the place were altered. A fine broad stone bridge was erected over this little brook—the bank, our favorite seat, was levelled down, and no trace remained of the thorn-bush. I could not hail the improvements with the same feelings as those simple objects impressed on my childhood's memory. I was often allowed to spend days with my friend Rachel Shannon, and the places of our resort are still fresh in my recollection. Her father, Dr. Shannon, had a mill on the Schuylkill, which, in our holiday-time, we often visited. About the middle of the stream, which spread

out widely just at this place, was a small island studded with fine, spreading trees. To gain that island, as a play-ground, was the object of our earnest desire. There was a small boat belonging to the mill, and one day we persuaded the mill-boy to paddle us over. The current was too strong for our little boy, and, instead of reaching the island, as enticing as Calypso's, we were carried down in our frail bark to the mill-race! Happily the miller was near, and flew to our rescue, or in a few moments we should have been crushed under the water-wheel. So graciously did Providence preserve us from the effects of our folly. I believe this adventure settled our minds about visiting the island.

"With this friend I kept up a very kind intimacy. I attended her marriage as her bridesmaid, the first time I sustained that office. She was married to a son of General St. Clair, and continued to live with her parents. I never saw her but once after our removal to New Jersey.

"In the autumn we left our favorite retreat, and went to pass the winter in Philadelphia. My father took a large house in Water Street, not far from my grandfather's. At that time this street, now altogether one of business, was occupied by many of the most respectable families, and Third Street was

thought to be quite high up. The growth of the city has been very great since those early days. My mother's health was very declining. Some recollection of her sick-room still abides, and has been ever since a painful thought—a gentle reproof that I preferred sliding on the ice to sitting by my sick mamma! I always have felt it as *the* sin of my childhood.

"I remember also, some time this winter, that I was invited to a tea-party at President Reed's, and great preparations were made about my dress. Goods of every kind were scarce and high, as commerce had not yet revived. Therefore, a dress of my mother was to be made up for me. It was an India muslin, which was an article rare and much admired. A pair of red shoes also were procured. Our coachman, Lancaster, one of the Maryland servants, a fine, tall man, carried me on his shoulder, his strong arm surrounding my limbs. I felt as safe there as if seated in a carriage. This was the first party I was ever at, and it appeared very gay and beautiful to me, especially seeing the young ladies dancing. Miss Patty, the eldest daughter, was my friend, and I was much attached to her. The intimacy with this family has marked every period of my life. Our parents were attached by mutual esteem, and friendship descended to their children. Alas, the last link is broken! 'All who live long, must outlive

those they love and honor.' This I find by my own experience. I have survived all my early friends.

"The event which most materially affected my earthly welfare took place at this period. That tender parent, who would have been the guide of my youth, in whom the confidence of my heart might have reposed, was by the inevitable will of the divine Disposer of all events removed from her sacred charge! There is no loss to a daughter so momentous as that of an affectionate and discreet mother endued with piety. I remember still, at this late day, standing at her knee and repeating one of Watts's hymns—

'How glorious is our heavenly King,' etc.,

and some of the impressions it made on my mind, and I seem never to have lost the remembrance of her sweet and placid countenance as she repeated it to me.

"But the hour was come, when I was taken into her room and kneeled down at the foot of the bed to take my last look of that face now shaded with the paleness of death. A servant of my grandfather took me over to his house, to sob out my sorrow on her lap.

"The grief of childhood soon passes away, yet I recall sad feelings long after the event took place, especially on our return to Plymouth. I missed her in

her accustomed corner, and there was an indescribable desolateness everywhere. When my brothers came in, they seemed to cheer my spirits; but I am sure I inly mourned her loss. Neither was I satisfied with the dress that I had to wear. It was my resolve that, if I lived to be a woman, I would then get deep mourning. It was a childish thought, yet it gratifies me that this mark of love was meditated at that early age."

. . . . . .

Miss Bayard received the best education the country afforded at that early day, completing her study of the languages and music from private teachers in New York, while an inmate of the household of her kinsman, the Rev. John Rodgers, D. D., pastor of the Wall Street Presbyterian Church. She was an apt scholar, possessing unusual powers of mind, a quick perception, fine imagination, and a very retentive memory. That she was an affectionate daughter I learn from the letters of Colonel Bayard. Writing to her at New Rochelle, where she was on a visit to the family of Lewis Pintard, he says: "I received your very affectionate and dutiful letter of January 1st, a day or two ago, since which I wrote to you by Mr. Patterson.[1] I would not wish, my dear child, to call you home, if your being with Miss Pintard will contribute to her and your happiness, al-

[1] Judge Patterson, of the United States Supreme Court.

though I should feel happy to have you with us again. You have ever been a most dutiful, affectionate child, and, as such, I have the tenderest affection for you, and it is my wish to do every thing in my power to make you happy and comfortable, as well as my other dear children." Her father having been a prominent actor in the Revolution, and a firm pillar of the Church, his house was the resort of many men of distinction, both in the State and Church. The society Miss Bayard thus met, contributed greatly to enlarge her views of the leading interests of the country, and brought her into familiar intercourse with the prominent actors in the early history of the republic. In 1789, her father removed from Philadelphia to New Brunswick, where Miss Bayard, after being greatly admired, and receiving many offers, accepted the handsome young lawyer, Andrew Kirkpatrick, whose talents and character rendered him "the best match in New Jersey." A more elegant couple, as they appeared soon after their marriage, at one of Mrs. Washington's receptions in Philadelphia, could not be seen in the land.

Mrs. Kirkpatrick was deeply interested in the Presbyterian Church, of which she was for sixty years a member, but without bigotry, for she loved all whose lives corresponded with the spirit of Christianity; was distinguished for her interest in every thing that per-

tained to the welfare of the country and the State in which she lived, and was well known for her charities, being "rich in good works." She was the founder of the Dorcas Society of New Brunswick, for the relief of the indigent sick, and poor widows, and, from the time of its formation, till her death—a period of two-score years—she was its first directress. Mrs. Kirkpatrick was often requested to publish her admirably-written addresses which she read to the society at it annual meetings, but could not be prevailed upon to do so. She was a fond and faithful wife, and a loving and affectionate mother. After her death numberless mementos were found among her papers and journals, exhibiting her deep affection for her dearly-loved daughter Elizabeth, and her honored husband who preceded her to the silent land.

She was graceful in person, tall in stature, and dignified and commanding in appearance, with a countenance grave and intelligent, yet cheerful and benevolent, justifying the old saying that "virtue itself has greater charms, and wins greater respect, when coming from a handsome, well-framed body." Mrs. Kirkpatrick was, in short, a Christian lady, alike beautiful in mind and person, and one whose equal, for personal dignity and moral worth, is rarely seen.

"She bore a mind that Envy could not but call fair."

Her death, though on account of her advanced age expected, was sudden. It was on Sunday morning, February 16, 1851, in her daughter's house at New Brunswick, after she had risen and attended to her usual devotions, that she was struck with her mortal illness; and, after languishing for nineteen hours in the full possession of her mental faculties, she gently passed away to her Redeemer and her God. Among her latest utterances while she reclined on her dying bed, with her children around her, were a few stanzas of a favorite hymn:

> "Vital spark of heavenly flame,
> Quit, oh quit this mortal frame;
> Trembling, hoping, lingering, flying,
> Oh the pain, the bliss of dying!"

Her death-bed request, that she should be carried past her own loved home, when on the way to the tomb, was complied with, and she was laid in her husband's grave, there to await with him and their children through the long night, "until the daybreak and the shadows flee away." The influence of such a woman cannot be entirely lost, "Being dead she yet speaketh," and a wide circle of friends and kindred, for whom this brief memorial has been prepared, cherish and keep alive her memory as a household treasure. Her son-in-law, the Rev. Dr. How, preached her

funeral sermon, and the following lines were written at the time, by her own and her daughter, Mrs. Dr. Cogswell's friend, Lydia H. Sigourney:

Say ye the tie that binds
The Christian mother and the loving child
Grows weak by time?
Look at yon aged saint,
Who to the verge of fourscore years hath held
Her earthly pilgrimage with upward aim,
Large-minded and benevolent, and filled
With the Heaven-prompted Charity that weighs
Actions and motives kindly, and relieves
Penury and pain.
Her hour hath come to die—
Scarce warned—yet girded well, her spirit hears
The Master's call, admitting no delay,
And wrapped in lowliness, but strong in faith,
Enters the world unseen.
The daughter's eye,
Long on such guidance and example bent,
Is dimmed with bursting grief.
The tree hath fallen,
Under whose shadow she, with great delight,
Sate from her infancy. The fount is stanched
That ne'er in summer's heat or winter's frost
Withheld the crystal of its sympathy.
'Tis meet to mourn.
'Mid all the cherished props,
Conjugal and maternal—all the hopes

That round the blooming children of her heart
Cling tenderly—a heavy sense of loss
Broods o'er her joys. The golden chain of prayer
That bound her new-born being to God's throne
Is broken, and its links bestrew the grave.
'Tis meet that she should mourn.
Deem not the tie
That gathered strength with every rolling year
Is lightly riven asunder, or the pang
Soon banished when a Christian mother dies.

DESCENDANTS OF ANDREW AND JANE KIRKPATRICK.

I. Mary Ann Margaret Kirkpatrick, born September 29, 1793; and married, October 18, 1838, the Rev. Samuel Blanchard How, D. D., Pastor of the First Reformed Protestant Dutch Church, New Brunswick, and author of "Slavery not Sinful."

II. John Bayard Kirkpatrick, born August 18, 1795; graduated at Rutgers College in 1815; was for a time connected with the Treasury Department at Washington, where he married, July 11, 1843, Margaret Weaver, daughter of William A. Weaver, of Bellavista, Prince William County, Virginia. Died February 23, 1864, leaving four children:

1. Andrew Kirkpatrick, attorney-at-law, graduated at Union College in 1863, and married, October 7, 1869, Alice Chapman Condit, daughter of Joel Condit, of Newark, New Jersey.
2. John Bayard Kirkpatrick, graduated at Rutgers College in 1866.
3. Mary Jane Bayard Kirkpatrick, married, September 3, 1869, Herman Casper Berg, of New Brunswick.
4. Sophia Astley Kirkpatrick.

III. Hon. Littleton Kirkpatrick, attorney-at-law, born October 19, 1797; graduated at Princeton College in 1815; was a member of Congress from his native State, New Jersey; married, October 18, 1832, Sophia Astley, daughter of Thomas Astley, of Philadelphia; died August 15, 1859.

IV. Jane Eudora Kirkpatrick, born May 26, 1799; married December 12, 1837, the Rev. Jonathan Cogswell, D. D., Professor of Ecclesiastical History in the East Windsor Theological Seminary, and the author of several volumes of sermons; died March 6, 1864, leaving two children:

1. Andrew Kirkpatrick Cogswell, attorney-at-law, graduated at Rutgers College in 1859; and married, September 3, 1867, Mary Van Rensselaer, daughter of John Cullen Van Rensselaer, of Cazenovia, N. Y.
2. Jane Emily Searle Cogswell, married, November 3, 1869, General James Grant Wilson, of New York City.

V. Elizabeth Sarah Kirkpatrick, born January 5, 1802; died, after a lingering illness, January 13, 1823.

VI. Charles Martel Kirkpatrick, born March 20, 1810; died September 29, 1810.

X941

Deacidified using the Bookkeeper process.
Neutralizing Agent: Magnesium Oxide
Treatment Date:
MAY 2013
BOOKKEEPER
PRESERVATION TECHNOLOGIES, L.P.
111 Thomson Park Drive
Cranberry Township, PA 16066
(724) 779-2111

LIBRARY OF CONGRESS
0 006 092 320 6